



Investigations

Our integrated service offering

Introduction

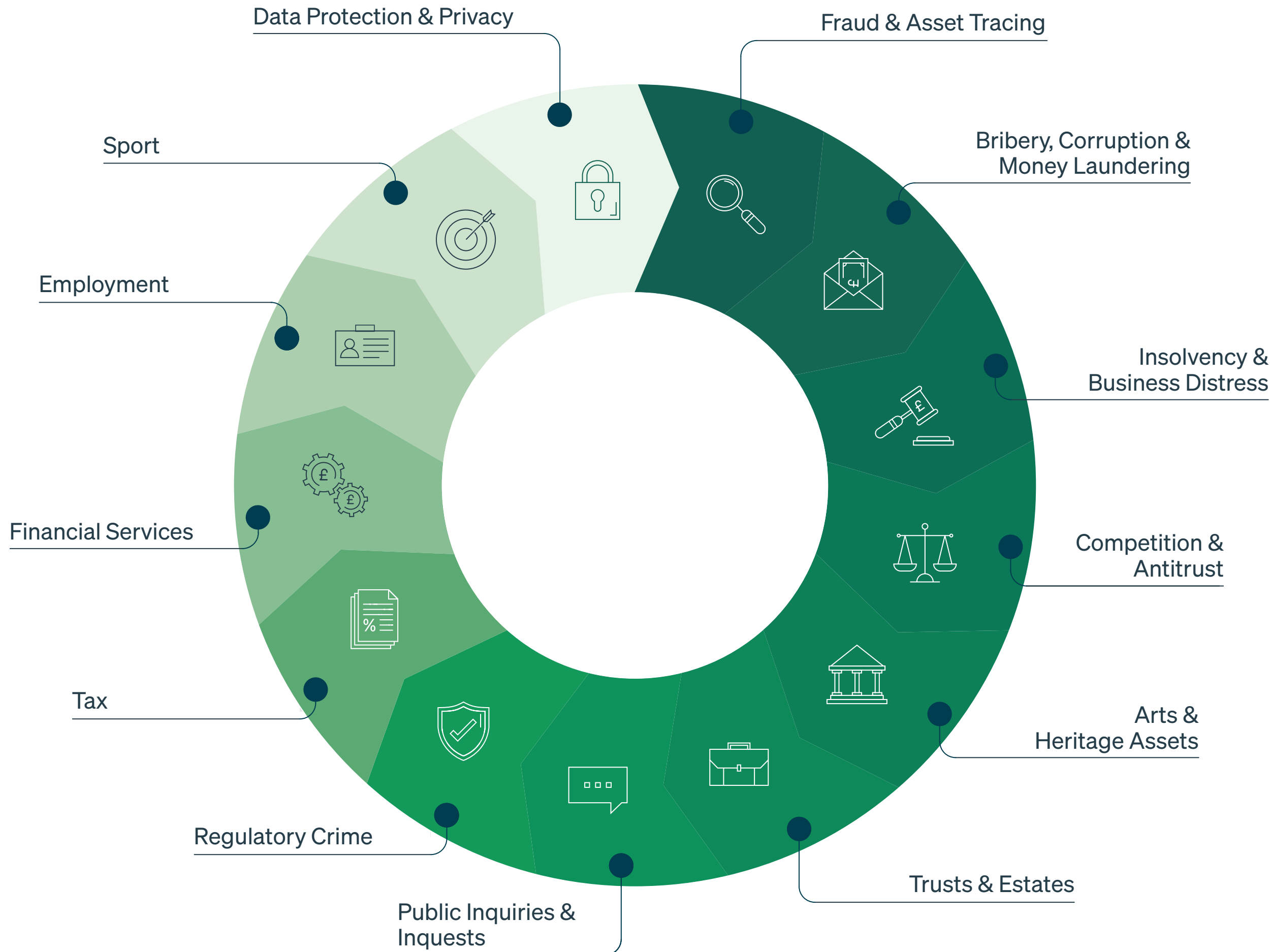
With businesses under ever-increasing pressure from regulators, law enforcement agencies, politicians, and mainstream and social media, managing risk is a top priority for many of our clients. Yet under the spotlight of this heightened scrutiny, executives within those businesses may be concerned that the vast range of potential risks and liabilities they face are too numerous to keep abreast of - without appropriate advice and support.

We have brought together an international multidisciplinary team of specialists who are experts in dealing with all types of investigations and regulatory issues. We understand the regulatory, criminal, civil, and reputational risks that our clients can face as a result of misconduct and failures in supervision, surveillance and oversight. A prompt and thorough internal investigation can help alleviate these risks before they magnify.

Through our international office network in the UK, Europe, the Middle East and Asia, our team has handled some of the world's largest investigations and is able to draw upon specialists to investigate potential wrongdoing in multiple jurisdictions, as well as any fallout in the mainstream media outlets and social media space.

We provide a coordinated and integrated service to our clients, including objective and strategic advice on compliance with relevant laws, regulations, internal policies and whistleblowing procedures in the jurisdictions within which they operate. We also act for individuals implicated in regulatory and criminal investigations where they require independent advice. Whether you have already been contacted by a regulator or law enforcement agency and require urgent focussed advice, or if you need strategic guidance on how to manage and mitigate your risks, our team is well placed to assist.

Click on each service to read more about our expertise in this area.



Fraud & Asset Tracing

Our work spans across the full range of fraud work: from investigating large scale, complex and high-value corporate frauds covering multiple jurisdictions to identifying whether private individuals have been the subject of a spectrum of dishonest actions.

We have considerable experience in obtaining (and resisting) the types of emergency relief that fraud inevitably involves, including freezing orders, injunctions and search orders. The team has a proven track record in carrying out asset tracing and recovery, particularly in the context of complex global financial structures and trust arrangements, often working alongside other forensic investigatory and IT experts.

Our fraud and asset recovery team has extensive experience in handling fraud investigations. We conduct and advise on internal investigations whether or not regulators or criminal investigative authorities have indicated their interest. The team also deal with any resulting civil claims and liaise where appropriate, with criminal investigating authorities around the world.

We advise on internal risk management issues, in particular on policies and procedures aimed at mitigating the risk of fraud and other financial crimes.

Our experience includes:

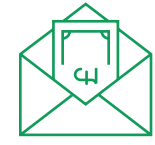
- Successfully represented the liquidators of six defendant companies in the SAAD fraud trial, the Cayman Islands’ longest ever trial and one of the largest fraud trials ever litigated worldwide (the Ponzi scheme generated approximately \$330bn), with multi-billions of US dollars in damages claimed.
- Conducting an investigation, jointly with Kroll, into an \$800 million fraud allegedly committed by a previous board of directors against Kabul bank.
- Conducting a complicated investigation into a fraud committed against a high profile data centre entrepreneur, including tracing assets purchased with his monies, obtaining freezing injunctions over those monies and representing the individual on large scale and complex Commercial Court proceedings brought by the Serious Fraud Office and related LCIA arbitration proceedings.
- Assisting with Swiss criminal investigations into securities fraud and breach of trust offences, including dealing with mutual legal assistance requests.
- Assisting foreign clients in tracing French assets including taking conservatory measures to freeze assets and enforcing foreign judgments and arbitration awards in France on such assets.
- Acting for healthcare professionals and businesses being prosecuted for NHS fraud.

- Acting successfully for Gulf Air (state owned airline of Bahrain) in respect of a multi-million dollar fraud perpetrated by former employees in relation to the improper award of an inflight entertainment.



Stewart Hey
Partner

+44 (0)20 7203 5014
stewart.hey@crsblaw.com



Bribery, Corruption & Money Laundering

We have a strong track record of conducting and advising on major, high-profile bribery and corruption investigations, both before and after notification by a regulator or prosecuting authority. We also deal with any resulting civil claims and regulatory exposure.

Our work spans the full range of anti-bribery and anti-money laundering work: from assisting companies with large scale internal investigations spanning the globe to advising and representing individuals implicated in serious allegations of corruption. The team has particular experience of representing current and former officers/employees of a company under investigation in relation to anti-bribery matters where there is a need to engage constructively with the company in question, and also advising and accompanying clients in relation to stand alone interview processes with the regulators and prosecutors.

We also advise on internal risk management issues, in particular on policies and procedures designed to mitigate the risk of bribery, money laundering, other financial crimes and regulatory exposure, and in relation to the same issues on prospective acquisitions by our clients.

Our experience includes:

- Acting for a former employee of a subsidiary of Royal Dutch Shell, which, together with ENI, is alleged to have engaged in international bribery and corruption. We are supporting Italian Counsel in relation to our client's prosecution in the Milan Criminal Courts in the largest corruption prosecution in Italian legal history and are advising our client on related investigations conducted in the UK, USA and the Netherlands.
- Acting for a former director in connection with the Serious Fraud Office's prosecution against GPT and individuals (including our client) who are alleged to have engaged in bribery and corruption in order to secure and maintain the contracts to supply telecommunications equipment and services to the Saudi Arabian National Guard.
- Assisting a French company in criminal investigations commenced against a former director for the alleged corruption of a foreign public agent.
- Representing an employee of an international investment bank concerning an FCPA investigation by the SEC and FBI into the "sons and daughters program" which involved hiring children of PRC government officials and executives of Stated Owned Enterprises in return for securing business deals. We worked with a US attorney in preparing the employee for an interview by US regulatory authorities.

- Conducting procurement reviews into asset contractor selection policies and procedures resulting in the drafting of the Diyar Al Muharraq AML and Corruption Policy.
- Advising on anti-corruption due diligence for share purchases in various jurisdictions and, in particular, in Russia and other CIS jurisdictions.



Rhys Novak
Partner

+44 (0)20 7427 6563
rhys.novak@crsblaw.com



Caroline Greenwell
Partner

+44 (0)20 7203 5150
caroline.greenwell@crsblaw.com



Insolvency & Business Distress

Our Corporate Recovery and Insolvency team specialises in investigations in the context of a company at risk of insolvency or having entered formal insolvency procedures. We focus on investigations which often lead to complex domestic and cross-border litigation involving antecedent transactions, fraudulent trading and asset tracing.

We have considerable experience in obtaining (and resisting) the types of emergency relief that businesses in trouble often require (or face) - including provisional liquidations, freezing orders, injunctions and search orders. The team acts for a range of stakeholders, including insolvency practitioners, secured and unsecured creditors, companies, directors, shareholders and investors.

Our experience includes:

- Investigating potential breaches of directors' duties/misfeasance claims and general antecedent transactions such as claims involving the misapplication of company funds, transactions defrauding creditors, fraudulent trading, wrongful trading, preference claims, and transactions at an undervalue.
- Conducting investigations using the full range of powers available to office-holders such as obtaining Norwich Pharmacal orders, attending and conducting public / private examinations, running interviews and examinations, and exercising powers of compulsion under sections 235 and 236 of the Insolvency Act 1986.
- Successfully defending a director on a £30 million allegation of fraud and breach of duty (involving multiple jurisdictions including the UK, Caribbean, Cyprus and Gibraltar). This was a landmark case where the Court set out the relevant tests with regard to de facto and shadow directors.
- Acting for a Liquidator on a claim against the officers of the company for misappropriation of company assets include seeking worldwide freezing orders and tracing assets in multiple jurisdictions.
- Acting for the Liquidator in the first liquidation of an Open Ended Investment Company (OEIC) in conjunction with the Financial Conduct Authority.

- Advising and acting for directors on applications by the Secretary of State for director disqualification and CDDA investigations.



Roger Elford
Partner

+44 (0)20 7438 2257
roger.elford@crsblaw.com



Alison Goldthorpe
Partner

+44 (0)20 7203 5000
alison.goldthorp@crsblaw.com



Competition & Antitrust

Our competition team assists clients that are subject to investigation by competition regulators in the UK, the EU and other jurisdictions. We are experienced in the full range of competition law investigations including:

- Cartel investigations
- Investigations into other alleged anti-competitive agreements
- Investigations into alleged abuse of dominance
- Market investigations
- Merger investigations

Our experience ranges from advising large corporates to individual directors. We assist with preparing submissions, providing on site support at dawn raids, attendance at interviews or hearings and responding to requests for information.

Where a competition authority concludes its investigation with a finding that there has been a breach of the competition rules, we are experienced in advising on appeals to the UK Competition Appeal Tribunal and other relevant courts.

Our experience includes:

- Advising a trade association in the private health sector on a cartel investigation by the UK Competition and Markets Authority (CMA).
- Advising a major corporate in the pharmacy sector on a leniency application and subsequent investigation by the CMA.
- Advising a third party in relation to a detailed phase 2 investigation by the European Commission of a merger in the rail sector.
- Advising individual directors on an investigation by the CMA into the construction sector.



Paul Stone
Senior Counsel

+44 (0)20 7203 5110
paul.stone@crsblaw.com



Arts & Heritage Assets

We offer advice to all participants in this market whether they are artists, dealers/auctioneers, collectors, banks/family offices/trustees or museums. Typical issues requiring our help include authenticity, due diligence, provenance, looted works, claims by sovereign states, fakes/forgeries and financial misconduct.

Our experience includes:

- Assisting with international investigations into the smuggling and looting of archaeological treasures.
- Advising on claims by sovereign states to cultural property/ underwater cultural property and possible criminal sanctions.
- Advising on compliance with money laundering legislation and regulations which now apply directly to the art market.
- Advising on New York proceedings concerning alleged dishonesty in relation to a high value historic vehicle.
- Assisting with an international investigation into a ring of forgers and the identification of the works involved.
- Investigating losses, misappropriation of valuable assets and tracing claims.



Stewart Hey
Partner

+44 (0)20 7203 5014
stewart.hey@crsblaw.com



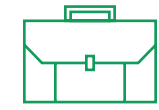
Suzanne Marriott
Head of Art & Luxury

+44 (0)20 7203 5267
suzanne.marriott@crsblaw.com



Mark Hill
Partner

+971 4 246 1921
mark.hill@crsblaw.com



Trusts & Estates

With increasingly volatile markets, the financial performance of trust, pension or estate assets has in many cases called into question the actions and shortcomings of trustees, executors and administrators. Our market leading international trusts and estates disputes team has a long and distinguished track record in a broad range of investigations across this field. We are frequently called upon to carry out and coordinate worldwide investigations into the conduct of trustees, executors, administrators, their agents and the assets themselves.

Whether acting for incoming trustees scrutinising the actions and decisions of their predecessors or for beneficiaries with concerns as to the conduct of current executors, administrators or trustees, our team is equipped with unrivalled experience to advise on a wide variety of complex issues. Our experience has included calling for an account of trust, pension or estate assets and, in many cases, for the removal of trustees or executors to enable a posthumous investigation into their actions. This includes the actions and conduct of corporate and pension trustees.

The location of trust, pension or estate assets means that our investigations regularly span numerous jurisdictions. Our global reputation and close ties with leading law firms all over the world, particularly in the leading trust jurisdictions, allows us to conduct worldwide investigations effectively, quickly and with the minimum of fuss.

Our experience includes:

- Acting for a statutory office appointed as trustee to five Guernsey based pension schemes to carry out an investigation into the schemes and the conduct of the former trustees following a catastrophic loss of liquidity resulting in the termination of pension payments to members.
- Enquiring into the past 20 years of expenditure by trustees of trust income including heritage assets of national importance.
- Acting for the beneficiaries of an Isle of Man trust seeking the removal of a corporate trustee that refused to account properly for trust assets and income.
- Acting for the beneficiary of a valuable will trust to investigate the conduct of the trustees, their conduct as directors of companies wholly owned by the trust and trust assets comprising commercial real estate in central London leased to a number of major UK high street brands.
- Acting for trustees of Bermuda trusts involving issues of tracing of assets cross-border in relation to structures and assets in Jersey, BVI, New York, Liechtenstein and Switzerland.
- Acting for a beneficiary of an estate concerning an investigation into corporate and other assets in Malaysia, Hong Kong, PRC, the BVI and England, where there are multiple sets of proceedings in Malaysia and Hong Kong.

- Investigating the use of funds belonging to a person who lacks capacity, by Deputies/Attorneys and pursuing claims as to misappropriation and recovery (for their estate).



Graeme Kleiner
Partner

+44 (0)20 7427 6674
graeme.kleiner@crsblaw.com



Duncan Elson
Partner

+44 (0)14 8325 2579
duncan.elson@crsblaw.com

Public Inquiries & Inquests

Our experienced cross-practice and cross-sector team represents clients involved in both public inquiries (a body established to identify and/or attribute blame) and inquests (a body established to determine cause). We have been involved in some of the largest and most high-profile cases in the last decade, including both the Leveson and Hillsborough inquiries.

The nature of these types of investigations can be very intrusive and can leave clients vulnerable to public scrutiny. We are well-versed in advising and supporting our clients in these difficult circumstances.

Our experience includes:

- Advising the Football Association on regulatory, disciplinary, media and litigation matters, including representing them as an ‘Interested Person’ at the Hillsborough inquests, the largest and most significant inquiry in UK sporting history.
- Advising the Football Association on the enquiries and investigations carried out by FIFA into the 2018 and 2022 World Cup bids and in relation to requests for information and documentation from the Serious Fraud Office (whose primary interest lay in the actions of the other bidding nations).
- Advising broadcasters, publishing companies and individual journalists in relation to the Leveson Inquiry into the culture, practices and ethics of the British press.
- Investigating allegations of journalists’ wrongdoing or insufficient internal journalistic procedures, including Ofcom considerations/ investigations.
- Acting for a number of clients, both within the healthcare sector and other sectors, in relation to inquests. These investigations typically involve taking witness statements, reviewing evidence from the Coroner, advising on tactical issues and representation at inquest hearings.
- Conducting internal inquiries for public law institutions in Switzerland which relate to public inquiries and criminal issues.

- Acting for a company in respect of inquest proceedings arising out of the fatal electrocution of a sub contractor who was carrying out routine maintenance on a production line.
- Acting for pharmacy companies in respect of inquest proceedings following the death of patients.



Duncan Lamont
Consultant

+44 (0)20 7203 5331
duncan.lamont@crsblaw.com



Regulatory Crime

Our regulatory crime team is experienced in dealing with a world of ever-increasing regulation, where businesses and individuals often find themselves subject to investigations and criminal proceedings brought by a variety of regulators.

We offer advice to implicated businesses and individuals as an investigation unfolds, including attending formal interviews such as those conducted under the Police and Criminal Evidence Act. We also provide strategic advice as the investigation progresses. Early input from us is crucial to improving the chances of a positive outcome.

We can help businesses and individuals under investigation, or being prosecuted, by many regulators including the following:

- Health and Safety Executive
- Environment Agency
- Trading Standards
- Local Authority
- Police
- Fire Service Authorities

Our experience includes:

- Advising a property management company and its director who were both prosecuted by the Health and Safety Executive in the Crown Court for failing to put proper systems in place to manage a construction project.
- Acting for a multi-national US company in inquest proceedings following the death by electrocution of a worker.
- Representing a national furniture chain prosecuted for health and safety offences.
- Advising a company prosecuted by the Health and Safety Executive following a fall by one of its workers from the first floor of a construction site to the floor below.
- Acting for a national restaurant chain prosecuted as a result of the incorrect storage of waste.
- Representing a sports nutrition company prosecuted by Trading Standards for the alleged unlawful marketing of food products.
- Advising the landlord of a development used for student accommodation in relation to an investigation by the Fire Authority regarding the buildings' cladding (post Grenfell).



Rachel Warren
Legal Director

+44 (0)20 7203 5362
rachel.warren@crsblaw.com



Rhys Novak
Partner

+44 (0)20 7427 6563
rhys.novak@crsblaw.com



Caroline Greenwell
Partner

+44 (0)20 7203 5150
caroline.greenwell@crsblaw.com



Tax

Our team has a strong track record of advising on HMRC investigations across the full range of UK taxes: income tax, CGT, inheritance tax, SDLT, corporation tax and VAT. We act for a wide range of clients, from individuals, family businesses and trustees, through to entrepreneurs and corporates, both small and large.

Our work spans the full range of tax investigations work. We are skilled in advising and representing our clients in HMRC investigations, advising on the scope of HMRC powers, and conducting internal investigations into tax matters. We also deal with related litigation, including litigation in the tax tribunals and higher courts, negligence claims against former tax advisers and other court claims, both in the UK and offshore jurisdictions for mistake as well as rectification.

We also provide preventative advice, assessing tax risks in relation to existing or proposed arrangements and giving guidance. We advise our corporate clients on policies and procedures designed to reduce tax risk, in areas such as the off-payroll working rules (IR35) and the corporate criminal offence of failing to prevent the facilitation of tax evasion in the Criminal Finances Act 2017.

Our experience includes:

- Advising individuals and trustees in relation to HMRC investigations, including on domicile status and other offshore tax issues.
- Advising a company on an internal investigation in relation to HMRC Code of Practice (COP) 9 notices issued to senior directors and officeholders.
- Advising a multinational corporation on a multi-million pound HMRC investigation involving complex cross-border tax issues including diverted profits tax, transfer pricing, permanent establishment and royalty withholding tax in HMRC's High Risk Corporates programme.
- Advising a company and its two director-shareholders on an HMRC investigation into historic disguised remuneration arrangements and the impact of the loan charge.
- Advising an individual on an HMRC investigation into tax planning arrangements involving a pension scheme, which included the issue of a COP 9 notice and a disclosure notice under section 62 of the Serious Organised Crime and Police Act (SOCPA) 2005.
- Advising a company and its majority director/shareholder on HMRC notices for the provision of significant amounts of security for the payment of PAYE and VAT.



Hugh Gunson
Partner

+44 (0)20 7438 2252
hugh.gunson@crsblaw.com



Financial Services

Our Financial Services regulatory team provide high quality practical advice on the full range of financial services and regulatory issues facing all types of clients including banks, investment firms, payment institutions, trading platforms, brokers, market makers and individuals.

The team assists clients with investigations and enforcement action relating to breaches of regulatory permissions, market abuse, mis-selling claims, professional misconduct, exchange violations and other breaches of financial services laws and regulations.

We work with our clients from the moment they first suspect, or are notified of a regulatory breach. We help them to carry out internal investigations, mitigate the effects of the breach and prepare relevant notifications to the FCA, the PRA, the exchange, law enforcement agencies (where relevant) and underlying clients. We also have extensive experience in supporting clients during FCA and law enforcement visits and investigations.

Our experience includes:

- Successfully challenging an investigation and possible enforcement action by an overseas exchange and overseas regulator (the BaFIN and the State of Hesse) into alleged market abuse for a market maker and HFT client.
- Advising institutional brokerage clients on the UK aspects of investigations by the SEC and CFTC into alleged exchange violations, fraud and misconduct. Assisting with FCA and National Crime Agency interviews and investigations.
- Assisting an online marketplace with an investigation by the FCA's unauthorised business division including preparing a response rebutting the FCA's claim that the marketplace was carrying out unauthorised payment services.
- Assisting a bank with its internal investigations regarding an authorised push payment fraud and preparing a response to the Financial Ombudsman Service challenging their initial findings against the bank.
- Assisting multiple market participants and trade bodies during the long running FSA / FCA investigation and possible enforcement action in relation to "payment for order flow" or "PFOF".
- Assisting a multinational payments provider with an investigation into data security breaches covering the personal data of hundreds of thousands of underlying individuals and retail clients (involving the FCA, the ICO and law enforcement agencies).



William Garner
Partner

+44 (0)20 7427 6555
william.garner@crsblaw.com



Jessica Arrol Caws
Senior Associate

+44 (0)20 7427 6709
jessica.arrolcaws@crsblaw.com



Employment

Our dedicated Employment team has considerable experience of dealing with employment-related investigations on behalf of companies, partnerships and individuals.

These investigations are invariably factually complex and involve deeply troubling, confidential issues with the attendant risk of significant reputational damage, so they need to be dealt with quickly and with real sensitivity. The subject matter may include serious sexual misconduct (often of a criminal nature), theft, fraud, equal pay issues, gender inequality, various forms of discrimination, making protected disclosures (whistleblowing), disclosures of trade secrets and other breaches of confidentiality and conflicts of interest. The investigations are usually carried out in the context of a workplace disciplinary and/or grievance process. We consider substantial numbers of documents, interview witnesses, prepare detailed statements and produce a comprehensive report with findings and recommendations (including as to any disciplinary action). We also advise on appropriate procedures and policies and, where necessary, notifications to regulatory bodies and enforcement authorities.

We know how these issues can debilitate a business, absorb huge amounts of management time and damage careers. We take a thoughtful, pragmatic, and commercial approach to resolve them with the minimum delay, providing supportive but clear advice, particularly where legal or regulatory requirements are non negotiable. We work with clients to achieve the best outcome and enable their businesses to move on.

We have devised a bespoke service known as R4 (Review, Report, Resolve, Respect) which combines specialist legal and non-legal support and advice for professional businesses and individuals which find themselves in situations involving allegations of sexual misconduct. Drawing together expertise from across the firm, our legal support includes experts in employment law; reputation management and disciplinary investigations and proceedings brought by professional regulators. We have teamed up with Bell Yard Communications (public relations specialists) and HelloSelf (expert clinical therapists) to provide non-legal support and assistance. R4 can also provide advice on procedures and training which businesses can put in place in order to help prevent issues arising.

Our experience includes:

- Advising on cases of serious sexual assaults (employee on employee, employee on third party and third party on employee) – in some instances in the context of a listed company.
- Advising on bullying and harassment – psychological, physical and/or sexual.
- Advising on Protected Disclosures (whistleblowing) raised by employees, especially in the context of the regulatory environment of the PMCPA (Prescriptions Medicines Code of Practice Authority).
- Advising on non-compliance with regulatory requirements, particularly in the financial services environment.

- Advising on criminal damage cases – deliberate sabotage of company equipment and abuse of company facilities.



Nick Hurley
Partner

+44 (0)20 7203 5039
nick.hurley@crsblaw.com



Ben Smith
Partner

+44 (0)1483 252 584
ben.smith@crsblaw.com



Sport

We are a leading sports regulatory and disputes team, with a strong track record of advising sports entities, both at national and international level, on major high-profile sports investigations.

Our relationships with our clients go beyond advising on black letter law. We assist our clients with the strategic and tactical approach of carrying out or responding to an investigation, in addition to its legal aspects. Our team has extensive in-house experience working for and within national and international sports bodies, meaning that we are able to provide tailored and commercially viable advice across the sports sector.

Given the wide-ranging nature of the sports sector, the investigations that we have conducted have involved concerns over bribery, fraud, corruption, conspiracy, match-fixing, governance, safeguarding, discrimination and anti-doping. We work closely with other teams to ensure that all bases are covered in any investigation, from employment considerations to reputation management.

We also advise on internal risk management and prevention, in particular on policies, procedures and regulatory frameworks designed to mitigate the risk for our clients.

Our experience includes:

- Conducting investigations on behalf of a UK football league into potential breaches of Youth Development Regulations.
- Conducting an extensive investigation, audit and report on data and integrity for a leading international golf tour, including assessments of the betting market and its relevance to golf, exposure to match-fixing and betting related corruption, review of current measures, overview of best practice, and the provision of recommendations to improve rules, policies and practices.
- Advising on the strategy of investigations for a number of national and international sports governing bodies tasked with uncovering the manipulation of sporting outcomes.
- Advising a foreign government on the management of the investigation and regulation of sport and creating framework documentation for the competent management of investigations.
- Managing a high-profile anti-doping investigation on behalf of a major international sports governing body.
- Enforcing regulations following an investigation into the unlawful selling of tickets by third-party operators.
- Conducting and assisting with safeguarding investigations for various sports governing bodies in the UK.

- Investigating and reporting into the efficacy and potential corruption of the enforcement arm of a Commonwealth country's regulatory authority.



Edward Craig
Partner

+44 (0)20 7203 5213
edward.craig@crsblaw.com



Danielle Sharkey
Senior Associate

+44 (0)20 7438 2244
danielle.sharkey@crsblaw.com



Data Protection & Privacy

Our data protection and privacy team has a strong track record of providing an integrated data breach response service and experience of assisting with investigations across the full spectrum of information law. Helping our clients to undertake internal investigations and helping them to respond to regulatory and other third party investigations is a key part of our service.

Anchored in London and led by our specialist contentious and non-contentious data protection lawyers but supported by a team from across our international offices, we are able to offer a service that will seamlessly integrate into (or, if required, lead) a client's internal incident response team. In addition we are well placed to take urgent action to assist with any investigatory or otherwise contentious information law matters.

Our experience includes:

- Advising on numerous personal data breaches in the UK and internationally (including under the GDPR's mandatory data breach notification regime) as well as working alongside IT and cyber-security specialists.
- Responding to individuals exercising their right to subject access, which may require running a structured search for data across an entire organisation's relevant filing systems (including networked IT systems and central email systems).
- Investigating a suspected leak of trade secrets in relation to highly confidential engineering plans including surveillance sweeps and forensic IT investigations.
- Acting for the former director of a consultancy firm in various proceedings commenced against him and his new employer for alleged theft of know-how and confidential information.
- Advising clients (including trading businesses, liquidators and trustees in bankruptcy) who have experienced theft and loss of confidential information in the UK and internationally. This has included taking steps to obtain relevant injunctions.



Charlotte Pender
Partner

+44 (0)20 7203 5371
charlotte.pender@crsblaw.com



Nick White
Partner

+44 (0)20 7438 2294
nick.white@crsblaw.com



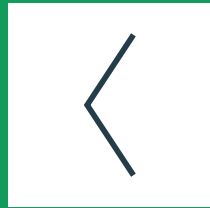
Pierre Bydzovsky
Partner

+41 0225 911 896
pierre.bydzovsky@crsblaw.com



Janine Regan
Legal Director for Data Protection

+44 (0)20 7427 1074
janine.regan@crsblaw.com



[charlesrussellspeechlys.com](https://www.charlesrussellspeechlys.com)

London | Cheltenham | Guildford | Doha | Dubai | Geneva | Hong Kong | Luxembourg | Manama | Paris | Zurich | Singapore

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